19 45 K File No. O. Ferries / 45

Legal Dept.

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Subject:— Opinions under the Bombay Ferries Act of 1868

File No. O. Ferries / 45

Gen. 194 e.

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Office of the R.L.A.

The District Local Board, Kolaba, desires to increase the rates of toll upon passengers carried over the ferries vesting in it and has requested Government's sanction to raise the rates to twice the present rates. The R.L.A. is requested to say whether there is any legal objection to Government according its approval to the proposal.

2. Section 2A of the Bombay Ferries Act, 1868, provides that it shall be lawful for the Provincial Government to declare by notification in the Official Gazette that any public ferry notified under section 2 shall vest in the local body or jointly in the local bodies exercising authority over that area of areas as the case may be which such ferry is situate and thereafter such local body or bodies shall exercise in respect of such ferry all the powers in the Schedule to this Act. The powers under section 3 exercisable by the Provincial Government including the power to exempt from payment of toll under clause (d) are mentioned in the Schedule. Section 3 provides for the levy of tolls according to such rates as shall from time to time be approved by the Provincial Government. The power of Government delegated to a local authority by virtue of section 2A appears to include Government's power to approve rates. If that interpretation be correct, the question of according Government's approval in the present case does not appear to arise. Since however the point is not free from doubt, Government may accord its approval to the proposal of the District Local Board, Kolaba, to increase the rates.

Id/- P.N.M.
18/8/45
Remembrancer of Legal Affairs.

U.R. to P.W.D., No. No. 6181 , dated 21st August 1945.

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